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TAGS: [PHUM](#) [KPAO](#) [KDEM](#) [TI](#)
SUBJECT: [TAJIKISTAN](#) - FEB 11 HEARING ON RFE/RL TAX BILL

Ref: A) 08 Dushanbe 1246 B) Dushanbe 44

11. (U) Sensitive But Unclassified - Not for Internet Distribution.

12. (SBU) Summary: On February 11 the Economic Court in Dushanbe will hold a hearing regarding \$110,000 in unpaid taxes that Tajikistan's tax committee alleges are owed by Radio Free Europe/Radio Liberty's (RFE/RL) Tajikistan bureau. Although the committee had threatened to seize the station's bank assets and operating equipment if the fine were not paid by January 30, as of February 2, no one had carried out the threat. The Ambassador told RFE/RL President Jeff Gedmin January 23 that the embassy is ready to raise the issue with the MFA if necessary to ask for a transparent and early court action. RFE/RL local lawyers believe the charge has no merit, and RFE/RL management plans to appeal if the judge rules against the local bureau. End summary.

RFE/RL TO HAVE ITS DAY IN COURT

13. (SBU) On February 11 the Economic Court in Dushanbe will hold a hearing regarding \$110,000 in unpaid taxes that Tajikistan's tax committee alleges are owed by Radio Free Europe/Radio Liberty's (RFE/RL) Tajikistan bureau. In a conversation January 28 with Abbas Djavadi, RFE/RL's Associate Director of Broadcasting, Djavadi told PAO that RFE/RL's lawyers believe the charge has no merit, but if the judge ruled against RFE/RL, the station would appeal.

14. (SBU) The tax committee sent a letter to the station dated January 20 threatening to seize the station's bank assets and operating equipment if the fine were not paid by January 30. When PAO phoned Tajik bureau chief Mirzonabi Kholiqzoda February 2 to ascertain the court date, he said that no one had carried out the threat. RFE/RL's legal counsel advised that threatening to penalize the station before the court decision is against Tajik law and may explain why the tax authority did not act on its threat.

15. (SBU) In a telephone conversation January 23 with RFE/RL President Jeff Gedmin, the Ambassador said the embassy was ready to raise the issue with the Ministry of Foreign Affairs and ask for a transparent and early court action, if and when RFE/RL thought that higher level intervention might be helpful. The Ambassador noted that RFE/RL might have to pay the fine, because hiring practices for part time reporters at the local station had not been in compliance with Tajik labor law.

AUDIT TRAIL LEADS TO CONTROVERSIAL FREELANCE CONTRACTS

16. (SBU) In email and telephone correspondence with emboff, RFE/RL managers said that a tax inspector assessed the fine on August 29, 2008, after an audit of the station's books going back three years. During that time the station employed some reporters under freelance contracts. RFE/RL representatives said that the freelancers were responsible for paying their own taxes, which was explicitly stated in their contracts and confirmed by a local law firm that reviewed the Tajik bureau's legal and taxation compliance in 2006. RFE/RL

reps said that the tax inspector in August still charged the station for \$110,000 in taxes not paid by the freelance reporters. Moreover, because the amount exceeded 100,000 Tajik somoni (\$29,000), the case triggered a review from the Tajik anti-corruption agency, and that entity has threatened three current or former RFE/RL employees with fines and even prison sentences for their alleged complicity in the station's failure to pay the taxes.

17. (SBU) After lawsuits filed in July by former reporters about Q7. (SBU) After lawsuits filed in July by former reporters about unfair benefits for part time employees (see reftel), the station concluded contracts in compliance with the local labor code. The last of the plaintiffs, former reporter Sayofi Mizrob (Saifuddin Dostiev), had demanded \$145,000 for being underpaid for 12 years, but settled for \$1,500 on October 31.

IS THE GOVERNMENT TRYING TO SHUT DOWN RFE/RL OR NOT?

18. (SBU) RFE/RL representatives believe the case is part of a pattern of harassment because the government does not want RFE/RL publicizing the problems facing Tajik society, including government corruption. RFE/RL president Jeff Gedmin told the Ambassador that that the government was trying to accomplish through legal maneuvers "what it could not do directly for optical reasons - shut us down." Sojida Djakhfarova, acting director of RFE/RL's Tajik service, told emboff on February 3 about a "two or three hour meeting" she had with Foreign Minister Zamrahon Zarifi in Dushanbe in November. She said he was very familiar with RFE/RL's website and complained about the stories posted there. When she defended the station's dedication to reporting news, she said he told her he had spent time in the United States and understood the necessity for free media and assured her the tax audit "was not political." She told emboff that

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